

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

LARA PEARSALL-DINEEN,
individually and on behalf of
all similarly situated
individuals,

Plaintiff,

v.

FREEDOM MORTGAGE CORPORATION,

Defendant.

HONORABLE JOSEPH E. IRENAS

CIVIL ACTION NO. 13-6836
(JEI/JS)

**CONSENT ORDER MODIFYING
CONDITIONAL CERTIFICATION
TERMS & NOTICE PROVISION**

APPEARANCES:

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Reena I. Desai, Esq.

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and

SCHALL & BARASCH, LLC

By: Patricia A. Barasch, Esq.

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Counsel for Plaintiff

KLUGER HEALEY, LLC

By: William H. Healey, Esq.

Phillip G. Ray, Esq.

219 Broad Street

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Counsel for Defendant

Irenas, Senior District Judge:

This matter having appeared before the Court upon Defendant Freedom Mortgage Corporation's letter application, joined by Plaintiff Lara Pearsall-Dineen (Docket #62); having reviewed the parties' joint application to modify the definition of the FLSA collective action class to avoid sending notice to persons who are already barred by FLSA's three-year statute of limitations¹; having considered the parties' request to define the start of the sixty-day notice period as beginning on the date that Plaintiff's counsel initially mails notice; and for good cause appearing:

IT IS on this 27th day of June, 2014,

ORDERED THAT:

1. The parties' joint application (Docket #62) for
modification of the collective action class definition is
GRANTED.

¹ The Court briefly notes that a maximum three-year statute of limitations applies to actions brought under the Fair Labor Standards Act ("FLSA"), 29 U.S.C. §§ 201-216. See 29 U.S.C. § 255. To determine the commencement date of a FLSA collective action, § 256 states that a FLSA action commences on the day a Complaint is filed. However, in a collective action case like the pending matter, an individual claimant's action commences either on the date the complaint is filed (if that claimant is specifically named in the complaint and provides a written consent), or "on the subsequent date on which such written consent is filed in the court in which the action was commenced." § 256(a)-(b). Here, the parties' joint request to refine the scope of the collective action class is designed to avoid the added expense and time of contacting claimants with claims that accrued prior to June 25, 2011. Because a claim must commence within the three-year statute of limitations, the proposed modification is appropriate.

2. The FLSA collective action shall define the collective action class as: "All persons who worked as mortgage underwriters (or in other positions with similar job titles or job duties) for Freedom Mortgage Corporation at any time during the last three years prior to June 25, 2014."

3. The sixty-day notice period shall begin on the date that Plaintiff's counsel initially mails notice of the FLSA collective action to putative class members.

s/ Joseph E. Irenas
JOSEPH E. IRENAS, S.U.S.D.J.